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**REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application is made obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in allowable form.

**I. REJECTION OF CLAIMS 22, 24-35 AND 37-47 UNDER 35 U.S.C. § 103**

The Examiner has rejected claims 22, 24-35 and 37-47 under 35 U.S.C. §103(a) as being made obvious by the Mahany patent (United States Patent No. 5,960,344, issued on September 28, 1999, hereinafter "Mahany") in view of the Keane patent (United States Patent No. 7,085,854, issued August 1, 2006, hereinafter "Keane"). The Applicants respectfully traverse the rejection.

In particular, the Examiner's attention is respectfully directed to the fact that Mahany and Keane, singly or in any permissible combination, fail to teach, show or suggest the novel invention of communicating using a first type of communication medium (i.e., a directed, one-to-one communication) to configure the use of a second type of communication medium (i.e., a shared medium), as claimed in Applicants' independent claims 22 and 35.

As discussed previously, Mahany does not teach or suggest using a communication between first and second devices over a first type of communications medium (e.g., a directed, one-to-one medium) to configure a communication between the first device and a third device over a second type of communications medium (e.g., a shared medium). At most, Mahany teaches a wireless access point that communicates with networked devices using first and second radio frequency (RF) broadcast communication channels (See, e.g., Mahany at column 4, lines 53-54: The radios and antennas [of the access point] are used for RF transmission and reception"). The second communication channel is a dedicated RF communication channel that broadcasts a busy signal when the access point is engaged in communication over the first RF communication channel with a networked device, so that other devices will receive the busy signal and will not attempt to send colliding transmissions to the

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access point. Both the first RF communication channel and the second RF communication channel support the same type of communications, i.e., broadcast RF transmissions.

The Examiner submits in the Final Office Action that "the features on which applicant relies (i.e., different types of communications medium) are not recited in the rejected claim(s)" (See, Final Office Action at Page 6). The Applicants respectfully disagree. At least the Applicants' independent claims 22 and 35 clearly recite the use of "a point to point medium" and "a shared medium" (emphasis added). A point to point medium and a shared medium are clearly not the same type of communications medium. As discussed above, Mahany does not teach, show, or suggest the use of more than one type of communications medium (i.e., broadcast RF).

Furthermore, the Examiner submits in the Final Office Action that "using multiple radio frequency broadcast channels is in fact different media, for the same reason that a first wire and a second wire can be considered different media" (See, Final Office Action at Page 6). The Applicants submit that this argument overlooks a key distinction in the Applicants' claims. A point to point medium and a shared medium are not only different media (i.e., different physical or logical communications channels), but are also different types of communications media. Two radio frequency broadcast channels, as proposed by the Examiner, do not comprise two different types of communications media. In other words, two radio frequency broadcast channels are, at most, two distinct instances of the same type of communications media.

As also discussed previously, Keane also fails to teach or suggest using a communication over a first type of communications medium to configure a communication over a second type of communications medium. Keane teaches a system for implementing a virtual private network (VPN). Specifically, in order to establish a network between a first processor and a second processor, a third processor is used to mediate the creation of a tunnel between the first and second processors. The first and second processors communicate with the third processor (i.e., to confirm the request/consent for the tunnel) over discrete tunnels between the first processor and the third processor, and between the second processor and the third processor. Thus,

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the same type of communications medium is used for both the establishment of communication between the first and second processors, and also for the subsequent communications therebetween.

The Examiner submits in the Final Office Action that "Keane was not relied upon for rejecting this limitation [*i.e.*, the use of two different types of communications media] of the claims" (See, Final Office Action at Page 6). The Applicants submit that the above argument was made merely to point out that Keane fails to bridge the substantial gap in the teachings of Mahany, and, as such, fails to support a rejection of the Applicants' claims under 35 U.S.C. §103 when combined with Mahany.

Thus, even assuming, *in arguendo*, that Mahany and Keane individually teach the use of broadcast communications and of point-to-point communications (respectively), neither reference teaches or suggests using one of these types of communication (in use between a first device and an intermediary) to configure exchanges over the other type of communication (in use between the first device and a second device). That is, both Mahany and Keane are consistent in the use of their respective single media of communication.

By contrast, Applicants' independent claims 22 and 35 positively recite:

22. A method for managing communications over a plurality of networked devices, the method comprising:

exchanging a first directed, one-to-one communication between a first networked device and a second networked device over a point-to-point medium; and

configuring, via said first communication, a use of a shared medium by at least said second networked device, wherein said configuring enables said second networked device to communicate with a third networked device over said shared medium. (Emphasis added)

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35. A computer-readable medium having stored thereon a plurality of instructions, the plurality of instructions including instructions which, when executed by a processor, cause the processor to perform the steps of a method for managing communications over a plurality of networked devices, the method comprising:

exchanging a first directed, one-to-one communication between a first networked device and a second networked device over a point-to-point medium; and

configuring, via said first communication, a use of a shared medium by at least said second networked device, wherein said configuring enables said second networked device to communicate with a third networked device over said shared medium. (Emphasis added)

As discussed above, Mahany in view of Keane fails to teach, show or suggest a method of communicating using a first type of communication medium between a first and second device to configure the use of a second type of communication medium between the first device and a third device, as claimed in Applicants' independent claims 22 and 35. In particular, neither Mahany nor Keane teaches configuring the use of a shared medium via communications over a directed, one-to-one medium (e.g., a point-to-point medium). Therefore, the Applicants submit that independent claims 22 and 35 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Dependent claims 24-34 and 37-47 depend, respectively, from claims 22 and 35 and recite additional features therefore. As such, and for at least the same reasons set forth above, the Applicants submit that claims 24-34 and 37-47 are not made obvious by the teachings of Mahany in view of Keane. Therefore, the Applicants submit that dependent claims 24-34 and 37-47 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

## **II. CONCLUSION**

Thus, the Applicants submit that all of the presented claims now fully satisfy the requirements of 35 U.S.C. §103. Consequently, the Applicants believe that all of the presented claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

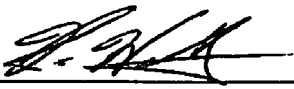
If, however, the Examiner believes that there are any unresolved issues requiring

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the maintenance of the final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Date

  
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